AO 106 (Rev. 04/10) Application for a Search Warrant

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO
MAY 18 2017
MATTHEW J. DYKMAN
CLERK

UNITED STATES DISTRICT COURT

for the
District of New Mexico

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address)

One black Nike duffel bag, one grey and white stripped backpack and one grey backpack (Further depicted in attached photograph)

Case No. MR 17-392

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

One black Nike duffel, Two Grey backpack's currently located at the Drug Enforcement Administration

located in the Judicial District of New Mexico, there is now concealed *(identify the person or describe the property to be seized)*:
Cocaine, Methamphetamine, Heroin, Marijuana, and /or other controlled substance

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☑ evidence of a crime;
- ☑ contraband, fruits of crime, or other items illegally possessed;
- ☑ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	*Offense Description*
21 USC 841	Possession with Intent to Distribute a Controlled Substance.

The application is based on these facts:
(See Affidavit, Attachment A)

- ☑ Continued on the attached sheet.
- ☐ Delayed notice of ____ days (give exact ending date if more than 30 days: ____________) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

[signature]
Applicant's signature

Task Force Officer Joshua Campos DEA
Printed name and title

Sworn to before me and signed in my presence.

Date: 05-18-2017

[signature]
Judge's signature

City and state: Albuquerque, New Mexico

B. Paul Briones, US Magistrate Judge
Printed name and title

Attachment A

AFFIDAVIT IN SUPPORT OF APPLICATION

I, Joshua J. Campos, being duly sworn, hereby depose, and state as follows:

I am a New Mexico State Police (NMSP) Police Officer. I have been so employed since March, 2011. I am also a Task Force Officer (TFO) with the Drug Enforcement Administration (DEA). By virtue of my employment with the NMSP, I am authorized to conduct investigations of violations of the Controlled Substances Act. Over the course of my six years in law enforcement, I have been assigned to the NMSP Criminal Enforcement Unit for approximately 3 years and have been involved in over 35 seizures of illegal narcotics and United States Currency on Amtrak Trains, various bus companies, and on Interstate roadways. I have also participated in and/or executed many search warrants involving various forms of luggage. I am currently assigned to the Albuquerque District Office Interdiction Group and the NMSP Criminal Enforcement Unit.

This affidavit is offered in support of an application seeking authorization to conduct a search for contraband contained in a black Nike brand duffel bag, a grey and white stripped backpack and a grey backpack, (hereinafter referred to as the SUBJECT PROPERTY). It is my belief that the SUBJECT PROPERTY currently contains evidence of violations of Title 21 United States Code, Section 841(a) (1), the manufacture, distribution and possession with intent to distribute a controlled substance. Because this affidavit is being submitted for the limited purpose of obtaining a search warrant, I have not included each and every fact known to me concerning this investigation. I have also relied on the experience and assistance of Drug Enforcement Administration (DEA) Special Agent (S/A) Jarrell Perry during this investigation.

BACKGROUND OF THE INVESTIGATION

On May 18, 2017, Task Force Officer (TFO) Joshua Campos, Drug Enforcement Administration (DEA) Special Agent (S/A) Jarrell W. Perry and TFO Clarence Davis were at the Greyhound Bus Station in Albuquerque, New Mexico to check the eastbound Greyhound Bus that makes a regularly scheduled stop in Albuquerque, New Mexico. Officer Campos approached a male, later identified as Victor GONZALEZ-RODRIGUEZ, who walking in the front of Greyhound bus terminal where passengers are picked up. TFO Campos observed GONZALEZ-RODRIGUEZ had two grey back packs on his back, and a black Nike brand duffel bag which was hanging with his shoulder from the duffel bag strap. TFO Campos displayed his badge and identified himself as a police officer to GONZALES-RODRIGUEZ, and asked for and received consent to speak to GONZALEZ-RODRIGUEZ.

During the conversations, TFO Campos learned from GONZALEZ-RODRIGUEZ that he was traveling from Los Angeles, California to Albuquerque, New Mexico. Officer Campos asked GONZALEZ-RODRIGUEZ for permission to see his bus ticket and identification, which GONZALEZ-RODRIGUEZ stated he did not have a bus ticket because the bus driver had taken it from him. TFO Campos asked GONZALEZ-RODRIGUEZ if he had any identification, and if TFO Campos could see it. GONZALEZ-RODRIGUEZ removed his wallet from his rear right pocket, and provided a United States of America Employment Authorization Card to TFO Campos. TFO Campos observed that GONZALEZ-RODRIGUEZ identification was in the name of Victor N. GONZALEZ-RODRIGUEZ. TFO Campos returned GONZALEZ-

RODRIGUEZ's identification immediately after reviewing it. While TFO Campos was talking to GONZALEZ-RODRIGUEZ, TFO Campos could smell an odor of marijuana. TFO Campos asked GONZALEZ-RODRIGUEZ if he was traveling with any luggage. GONZALEZ-RODRIGUEZ pointed to the items which TFO Campos observed him carrying. TFO Campos asked GONZALEZ-RODRIGUEZ for permission from GONZALEZ-RODRIGUEZ to search his black Nike brand duffel for contraband.

GONZALEZ-RODRIGUEZ said that he did not want TFO Campos to search the contents of his property. TFO Campos asked GONZALEZ-RODRIGUEZ for his consent to deploy his trained narcotics canine to sniff GONZALEZ-RODRIGUEZ's property, and GONZALEZ-RODRIGUEZ said, "No Sir". TFO Campos told GONZALEZ-RODRIGUEZ he was going to detain his luggage for TFO Campos's canine to sniff them for the odor of a controlled substance. The reason why TFO Campos detained GONZALEZ-RODRIGUEZ's property was based on TFO Campos's training and experience and the odor of marijuana TFO Campos could smell when talking with GONZALEZ-RODRIGUEZ. Through TFO Campos's experience and training, he knows contraband is more likely to be contained inside of duffel bags and backpacks from passengers that are traveling aboard the Greyhound bus. GONZALEZ-RODRIGUEZ stated, "I'm sorry, I don't know why you're doing this to me, I just got here, I've been in that bus for three fucking days."

GONZALEZ-RODRIGUEZ told TFO Campos as soon as his ride shows up to get him, he is going to leave. TFO Campos again explained to GONZALEZ-RODRIGUEZ that he was going to detain GONZALEZ-RODRIGUEZ's property to have TFO Campos's canine sniff his property. GONZALEZ-RODRIGUEZ stated he did not have any contraband in his property. GONZALEZ-RODRIGUEZ stated, "I'm not going to let you go through my shit." TFO

Campos explained to GONZALEZ-RODRIGUEZ, he was not going to be searching his property, he (TFO Campos) was only going to have his trained canine sniff the exterior of his property. GONZALEZ-RODRIGUEZ stated he was going to leave when his ride got there. GONZALEZ-RODRIGUEZ said, "Have a good day", and began to walk away.

TFO Campos walked? after GONZALEZ-RODRIGUEZ, and grabbed one of the grey backpacks on his back to detain for a canine sniff. GONZALEZ-RODRIGUEZ pulled away, and a struggle ensued. GONZALEZ-RODRIGUEZ was placed under arrest, and his property was detained. GONZALEZ-RODRIGUEZ was placed in TFO Campo's patrol unit.

TFO Campos retrieved his canine from his patrol unit, and deployed his trained and certified narcotics canine, "Kimba" on GONZALEZ-RODRIGUEZ black colored Nike brand duffel bag and two grey backpack's. TFO Campos observed alert behavior from Canine "Kimba" to the odor of a controlled substance that may be in the black back pack, and the two grey backpacks. Canine "Kimba" was last certified in September, 2016 by the California National Canine Association and the Department of Public Safety in New Mexico in December, 2016 to detect the odors of a controlled substance including methamphetamine, cocaine, heroin, marijuana, and their derivatives.

Based on the above listed facts listed throughout this affidavit, it is my belief that GONZALEZ-RODRIGUEZ has concealed within the SUBJECT PROPERTY controlled substances.

Wherefore, your Affiant respectfully requests that a search warrant be issued authorizing the search for the items outlined above.

This search warrant and supporting affidavit were approved by Assistant United States Attorney Kimberly Brawley.

Joshua Campos, Task Force Officer
Drug Enforcement Administration

Sworn to before me, and subscribed in my presence,

May 18, 2017, at Albuquerque, New Mexico

B. Paul Briones
United States Magistrate Judge